

APPROVED

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
IN LEGISLATIVE SESSION

Tuesday, July 17, 2001 Rockville, Md.

The County Council for Montgomery County, Maryland convened in Legislative Session in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland, at 10:28 A.M. on Tuesday, July 17, 2001.

PRESENT

Blair G. Ewing, President
Phil Andrews
Derick Berlage
Nancy H. Dacek

Steven A. Silverman, Vice President
Howard A. Denis
Isiah Leggett
Michael L. Subin

ABSENT

Marilyn J. Praisner

The President in the Chair.

President Ewing announced that Councilmember Praisner is absent because she is representing Montgomery County at the National Association of Counties annual conference.

SUBJECT: Approval of Journal

ACTION: Approved the Journal of June 26, 2001.

The motion was made by Councilmember Subin. Councilmember Praisner was absent.

INTRODUCTION OF BILLS

SUBJECT: Bill 26-01. Board of Social Services - Membership

ACTION: Introduced draft 1 of the subject bill sponsored by the Council President at the request of the County Executive.

CALL OF BILLS FOR FINAL READING

SUBJECT: Bill 13-01. Collective Bargaining – Fire/Rescue Employees

The Council had before it the memorandum and attachments from Senior Legislative Attorney Faden, dated July 17, 2001.

Councilmember Denis, Lead Councilmember for Personnel Issues on the Management and Fiscal Policy (MFP) Committee, presented the report of the Committee.

Councilmember Subin said that he would abstain from voting on the bill because he is opposed to including captains and lieutenants in the “rank and file” bargaining unit. With respect to Bill 10-00, Collective Bargaining – Police – Sergeants, which the Council enacted, he said that he was also opposed to including police sergeants into the police collective bargaining unit and that, philosophically, he has concerns about moving in that direction. Mr. Subin said that he supported dividing the police bargaining unit into two units but as a matter of equity, he would not vote in opposition to the bill because it would be unfair to deny the fire and rescue employees the same opportunity as the police.

Councilmember Dacek said that she supports the comments of Councilmember Subin and the ability of lieutenants and captains to bargain collectively but she does not support the inclusions of captains and lieutenants, who are first-line supervisors, in the “rank and file” bargaining unit. Ms. Dacek said for that reason she will vote present on the bill.

In response to Councilmember Leggett’s concerns, Councilmember Denis said that similar structures exist in other jurisdictions in the region and other counties within the State. Mr. Leggett requested and received assurance from Councilmembers Denis and Andrews that while Councilmember Praisner preferred to create a separate bargaining unit for the fire supervisors, she supported the bill.

ACTION: Adopted the following amendments as reflected in the bill:

AN ACT to:

- (1) include certain fire/rescue lieutenants and captains in the bargaining unit with certain fire/rescue employees for the purpose of collective bargaining; and
- (2) generally amend the law regarding collective bargaining for fire/rescue employees.

By amending

Montgomery County Code
 Chapter 33, Personnel and Human Resources
 Sections 33-148 and 33-151

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

* * *

*Heading or defined term.**Added to existing law by original bill.**Deleted from existing law by original bill.**Added by amendment.**Deleted from existing law or the bill by amendment.**Existing law unaffected by bill.*

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Sections 33-148 and 33-151 are amended as follows:**33-148. Definitions.**

The following terms have the meaning indicated when used in this Article:

* * *

- (2) **Certified representative** means an **employee** organization chosen to represent the **unit** as the exclusive bargaining agent [in accordance with] under this Article or Article VII.

* * *

- (4) **Employee** means [any] a fire and rescue **employee** in the classification of Fire/Rescue Captain, Fire/Rescue Lieutenant, Master Firefighter/Rescuer, Firefighter/Rescuer III, Firefighter/Rescuer II, and Firefighter/Rescuer I, but not [any **employee**]:

- (A) an **employee** in a probationary status[, or];
- (B) an employee in the classification of [Fire/Rescue Lieutenant] District Chief or [any] an equivalent or higher classification[.]; or
- (C) a Fire/Rescue Lieutenant or Captain whose primary assignment is in:

- (i) budget;
- (ii) internal affairs;
- (iii) labor relations;
- (iv) human resources;
- (v) public information; or
- (vi) quality assurance.

* * *

33-151. Selection, certification, and decertification procedures.

- (a) [Any] An **employee** organization seeking certification as representative of the **unit** must file a petition with the Labor Relations Administrator stating its name, address, and its desire to be certified. The **employee** organization must also send a copy of the petition, including a copy of the signatures of the supporting **employees** on the petition, to the employer. The petition must contain the uncoerced signatures of 30 percent of the **employees** in the **unit**, signifying [their] the employees' desire to be represented by the **employee** organization for purposes of collective bargaining.

* * *

ACTION: Enacted Bill 13-01.

The motion was made by the MFP Committee and was enacted by a roll call vote:

YEAS: Andrews, Berlage, Leggett, Denis, Silverman, Ewing
PRESENT: Dacek, Subin
ABSENT: Praisner.

The Council recessed at 10:35 A.M. and reconvened at 1:50 P.M.

CALL OF BILLS FOR FINAL READING (Continued)

SUBJECT: Bill 23-01. Homestead Property Tax Credit – 2002 Tax Year

The Council had before it the memorandum and attachments from Mr. Faden, dated July 17, 2001.

ACTION: Enacted Bill 23-01.

The motion was made by Councilmember Dacek and the bill was enacted by a roll call vote.

YEAS: Andrews, Dacek, Subin, Denis, Silverman, Ewing
ABSENT: Praisner; Leggett, Berlage (temporarily).

SUBJECT: Bill 24-01. Bond Authorization

The Council had before it the memorandum and attachments from Legislative Attorney Cogan, dated June 25, 2001.

ACTION: Enacted Bill 24-01.

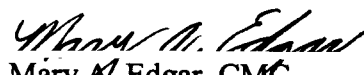
The motion was made by Councilmember Dacek and the bill was enacted by a roll call vote:

YEAS: Andrews, Dacek, Subin, Denis, Silverman, Ewing
ABSENT: Praisner; Leggett, Berlage (temporarily).

President Ewing announced that Councilmember Praisner indicated that had she been present for the meeting she would have voted in support of Bill 23-01 and Bill 24-01.

The meeting adjourned at 1:52 P.M.

This is an accurate account of the meeting:


Mary A. Edgar, CMC
Clerk of the Council

Minutes written by: Elda Dodson, Deputy Clerk